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On 9/30/02

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Cole

PATENT  
Docket No.: 020048-002540US

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OCT 8 2002

OFFICE OF PETITIONS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

McMillan et al.

Patent No.:

Issued:

Application No.: 10/006,848

Filed: November 7, 2001

For: DEVICE AND METHOD FOR  
LYSING CELLS, SPORES, OR  
MICROORGANISMS

Box DAC

Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner: Unassigned

Art Unit: 1744

**COMMUNICATION UNDER 37  
C.F.R. §1.28(c)**

Sir:

Applicants respectfully submit under 37 C.F.R. §1.28(c) authorization to pay supplementary fees and consideration of the remarks set forth herein. The following documents are enclosed herewith:

10/08/2002 AYONDADF1 00000021 201430 10006848

01 FC:101	361.00 CH	379.00 OP
02 FC:102	84.00 CH	
03 FC:103	18.00 CH	

- this paper is submitted in duplicate

Adjustment date: 10/08/2002 AYONDADF1  
12/12/2001 NLURNG 00000001 081641 10006848  
01 FC:201 -370.00 OP  
02 FC:202 -9.00 OP  
03 FC:203 9.00 CR

**REMARKS**

Please change the status of the above-identified application, U.S. Serial Number 10/006,848, filed November 7, 2001 from small entity status to large entity status. MPEP 509.03, 7<sup>th</sup> ed., July, 1998.

Applicants no longer claim the benefit of small entity status for the above-identified patent and wish to submit supplemental large entity fee(s) as follows.

The supplemental fees to be paid are set forth below:

Paper	Date	Fee Paid	Current Fee	Difference
Filing Fee Due	11/07/2001	\$379.00	\$758.00	\$379.00
Total		\$370.00	\$740.00	\$370.00

Any error in originally paying the fees at the small entity rate was inadvertent.

The Assistant Commissioner for Patents is hereby authorized to charge the fee of \$370.00 to Deposit Account No. 20-1430. Please charge any additional fees, or refund any overpayment, to Deposit Account No. 20-1430.

If additional issues need to be addressed, please telephone the undersigned at 650-752-2469.

Respectfully submitted,



William Schmonsees  
Reg. No. 31,796.

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PA 3253253 v1



UNITED STATES PATENT AND TRADEMARK OFFICE  
Please stamp your date of receipt of the following documents and return to addressee:

First Class Mail Date: September 30, 2002  
File No.: 020048-002540US  
Application No.: 10/006,848  
Attorney: WS/kc

1. Communication Under 37 C.F.R. §1.28(c) (2 pages) in duplicate.

PA 3253657 v1